

12-1-89
12-38 v. 5

title to 372420
372416

FILED FOR RECORD AT THE REQUEST OF:

KING COUNTY
NO EXCISE TAX

DEC 05 1989

E1102039

AFTER RECORDING RETURN TO:

Mr. Jeffrey C. Thede
Miller, Nash, Wiener, Hager & Carlsen
6500 Columbia Center
701 Fifth Avenue
Seattle, Washington 98104

RECORD AT REQUEST OF
WESTERN INSURANCE CO.
SEATTLE, WA 98104 SUITE 200
#9

STATUTORY WARRANTY DEED

The Grantor, PORT OF SEATTLE, a Washington municipal corporation, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, conveys and warrants to ASH GROVE CEMENT WEST, INC., a Nevada corporation, the Grantee, the following-described real estate situated in King County, Washington:

THAT PORTION OF LOTS 3, 4 AND 46 OF CALHOUN DENNY & EWINGS REPLAT OF BLOCK 388, SEATTLE TIDE LANDS, ACCORDING TO THE PLAT RECORDED IN VOLUME 12 OF PLATS, PAGE 92, IN KING COUNTY, WASHINGTON; AND

A PORTION OF VACATED 9TH AVENUE S.W., FORMERLY TIDEWATER STREET, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 46 DISTANT 34.35 FEET WEST FROM THE EAST LINE THEREOF AS ESTABLISHED BY SAID REPLAT; PROCEED WEST ALONG SAID NORTH LINE AND AS PRODUCED WEST A DISTANCE OF 330.25 FEET TO THE EAST LINE OF THE EAST WATERWAY; THENCE SOUTH 8°23'41" WEST ALONG SAID EAST LINE A DISTANCE OF 62.50 FEET TO A POINT DISTANT 1.83 FEET SOUTH OF THE NORTH LINE OF SAID LOT 4, MEASURED AT RIGHT ANGLES THEREFROM; THENCE EAST PARALLEL TO SAID NORTH LINE A DISTANCE OF 117.50 FEET; THENCE NORTH 74°25'42" EAST A DISTANCE OF 230.33 FEET TO THE POINT OF BEGINNING;

SUBJECT TO THE FOLLOWING:

1. Liability for future assessment of general taxes, the above-described real estate currently carried as "exempt" on tax rolls;

2. Any adverse claim by reason of the question of location, boundary, or area of said land which may be dependent

RECEIVED THIS DAY

Dec 5 12:11 PM '89

USEPA SF



1261543

- 1 -

89-12-05

RECD F

RECFEE

CASH

7.0222T

2.00

***9.00

35

AGC2A000009

upon the location of the line of ordinary high tide of DUWAMISH RIVER;

3. Liability for annual drainage service charges;

4. Any adverse claim based upon the assertion or determination that some portion of said land is tide or submerged land; and

5. Right of use, control, or regulation by the United States of America in the exercise of powers over navigation.

6. Conditions of approval as shown on the face of City of Seattle lot boundary adjustment No. 8806165 recorded under Auditor's File No. 8903130351.

7. Any prohibition or limitation on the use, occupancy, or improvement of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land.

In accordance with RCW 53.25.160, the Grantee shall, within one year after the date hereof, devote the above-described real estate to industrial use (including storage of materials incident to the Grantee's industrial operations), or shall commence work on the improvements thereon to devote it to such use, and if the Grantee fails to do so, the Grantor may cancel the sale to the Grantee and return the money and property paid on the purchase price, and title to the property shall revert to the Grantor. Further, the Grantee shall not transfer title to the property within one year from the date hereof. In accordance with RCW 53.25.120 and 53.25.170, the conditions set forth herein shall constitute covenants running with the land.

DATED the 1 day of December, 1989.

PORT OF SEATTLE

By

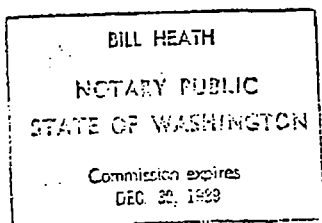
Name

Title DIRECTOR OF FINANCE AND ADMINISTRATION
AND PORT AUDITOR

STATE OF WASHINGTON)
COUNTY OF KING) ss.

I certify that I know or have satisfactory evidence that Candace Jonson is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument, and acknowledged it as the Dir / Fin & Admin of the Port of Seattle to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED the 1st day of December, 1989.



Bill Heath
Notary Public for Washington
My appointment expires:

December 30, 1989.

8912051834